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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-202*

11 **RANDALL KIETH DIEL**  
12 **11280 Cottenwood Ave**  
13 **Hesperia, CA 92345**

**A C C U S A T I O N**

14 **645 W Orange Grove, Apt. 1004**  
15 **Tucson, AZ 85704**

16 **Registered Nurse License No. 603691**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about August 6, 2002, the Board of Registered Nursing issued Registered  
24 Nurse License Number 603691 to Randall Kieth Diel ("Respondent"). The Registered Nurse  
25 License expired on October 31, 2003, and has not been renewed.

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1 8. Section 2811, subdivision (b) of the Code provides:

2 "Each such license not renewed in accordance with this  
3 section shall expire but may within a period of eight years thereafter  
4 be reinstated upon payment of the biennial renewal fee and penalty  
5 fee required by this chapter and upon submission of such proof of  
6 the applicant's qualifications as may be required by the board,  
7 except that during such eight-year period no examination shall be  
8 required as a condition for the reinstatement of any such expired  
9 license which has lapsed solely by reason of nonpayment of the  
10 renewal fee. After the expiration of such eight-year period the board  
11 may require as a condition of reinstatement that the applicant pass  
12 such examination as it deems necessary to determine his present  
13 fitness to resume the practice of professional nursing."

14 **REGULATORY PROVISIONS**

15 9. California Code of Regulations, title 16, section, 1419.3 provides:

16 "In the event a licensee does not renew his/her license as provided  
17 in Section 2811 of the code, the license expires. A licensee  
18 renewing pursuant to this section shall furnish a full set of  
19 fingerprints as required by and set out in section 1419(b) as a  
20 condition of renewal.

21 (a) A licensee may renew a license that has not been expired for  
22 more than eight years by paying the renewal and penalty fees as  
23 specified in Section 1417 and providing evidence of 30 hours of  
24 continuing education taken within the prior two-year period.

25 (b) A licensee may renew a license that has been expired for more  
26 than eight years by paying the renewal and penalty fees specified in  
27 Section 1417 and providing evidence that he or she holds a current  
28 valid active and clear registered nurse license in another state, a  
United States territory, or Canada, or by passing the Board's current  
examination for licensure."

**COST RECOVERY**

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
administrative law judge to direct a licentiate found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the State of Florida Board of Nursing)**

3 11. Respondent is subject to disciplinary action under Code section 2761, subdivision  
4 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was  
5 disciplined by the State of Florida Board of Nursing ("Florida Board").

6 12. On or about November 20, 2001, pursuant to the Final Order issued by the Florida  
7 Board, in the disciplinary action entitled, *Department of Health vs. Randall Diel*, case number 00-  
8 02606, the Florida Board reprimanded Respondent, ordered him to pay an administrative fine of  
9 \$250.00, and suspended his license until he participates in an evaluation coordinated by the  
10 Intervention Project for Nurses. The basis for the Order is as follows:

11 a. In or about January of 1999, Respondent's employer conducted an internal  
12 investigation of Respondent's documentation of patient records that revealed Respondent  
13 documented withdrawing and administering Demerol for a patient whose Demerol order had been  
14 discontinued. Following this discovery, Respondent submitted to an employer-ordered urine  
15 screen that returned positive for marijuana and morphine.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Disciplinary Action by the Missouri State Board of Nursing)**

18 13. Respondent is subject to disciplinary action under Code section 2761, subdivision  
19 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was  
20 disciplined by the Missouri State Board of Nursing ("Missouri Board").

21 14. On or about December 12, 2007, pursuant to the Decision and Order issued in the  
22 disciplinary action entitled, *State Board of Nursing vs. Randall Diel*, case number 07-0566 BN,  
23 before the Missouri Board, Respondent's license to practice registered nursing was revoked.

24 15. The basis for the Order was the conduct that occurred in paragraph 12,  
25 subparagraph (a), inclusive above, and herein incorporated by reference.

26 **THIRD CAUSE FOR DISCIPLINE**

27 **(Disciplinary Action by the Arizona State Board of Nursing)**

28 16. Respondent is subject to disciplinary action under Code section 2761, subdivision

1 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was  
2 disciplined by the Arizona State Board of Nursing ("Arizona Board").

3 17. On or about May 11, 2004, pursuant to the Consent for Entry of Voluntary  
4 Surrender issued by the Arizona Board, in the disciplinary action entitled, *In the Matter of*  
5 *Professional Nurse License No. RN117135 Issued To: Randall Keith Diel*, case number 0312006,  
6 the Arizona Board accepted the voluntary surrender of Respondent's professional nursing license.  
7 The basis for the Order is as follows:

8 a. On or about November 20, 2003, Respondent withdrew more than the  
9 ordered amount of Demerol from the PYXIS machine while working as a travel nurse at Flagstaff  
10 Medical Center in Flagstaff, Arizona. Respondent failed to chart or account for all of the  
11 medication. On or about April 7, 2004, Respondent submitted to a urine drug screen that returned  
12 positive for marijuana.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct)**

15 18. Respondent is subject to disciplinary action under Code section 2761, subdivision  
16 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more  
17 particularly described in paragraphs 12, subparagraph (a), 14, 15, and 17, subparagraph (a),  
18 inclusive, above, and herein incorporated by reference.

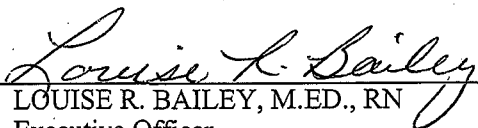
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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 603691, issued to Randall Kieth Diel;
2. Ordering Randall Kieth Diel to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: SEPTEMBER 25, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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